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\*PLEASE REPLY TO MACON OFFICE

June 26, 2012

**SENT ELECTRONICALLY VIA CM/ECF**

The Honorable Dudley H. Bowen  
United States District Court  
Southern District of Georgia  
100 North Franklin Street  
Dublin, GA 31021

Re: Columbia Insurance Group v. HLJ Enterprises, Inc., James C. Garner, April H. Garner, Hilton Joiner, Freeman, Daniel & Co., LLC; Marion Freeman and Marilyn Dailey  
Southern District of Georgia, Dublin Division  
CAFN: 3:11-cv-00088-DHB-WLB

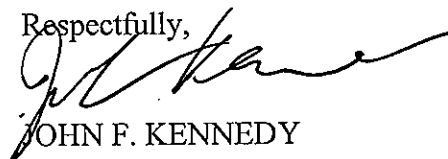
Dear Judge Bowen:

You may recall that I represent James C. Garner and April H. Garner in the above referenced action. I am in receipt of your Order dated June 19, 2012 granting Columbia's motion for Default Judgment. I am also in receipt of Mr. Foster's letter of this afternoon to Your Honor stating that Columbia has no additional claims to pursue. While the Garners do not object to Plaintiff's stated intention of not proceeding with litigation, they do object to the extent the Court's Order affects their future rights as potential judgment creditors.

The Garners filed a timely answer to Plaintiff's Complaint denying many of the critical allegations which have been deemed admitted by defendant Hilton Joiner due to his failure to file an Answer. Therefore, a default judgment against other parties should not affect the future rights of the Garners. In the context of a declaratory judgment action, an adjudication against only the insured would not bar a subsequent action by a potential judgment creditor. St. Paul Fire & Marine Ins. Co. v. Johnson, 216 Ga. 437 (1960). When an insurer obtains a judgment against the insured only, the potential judgment creditor would not be bound by the judgment. Therefore, the Garners seek some clarification as to this Order. I would respectfully request a short phone conference with the Court and all parties to discuss this matter.

Thank you for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



JOHN F. KENNEDY

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